

1 AN ACT in relation to criminal law.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 5. The Code of Criminal Procedure of 1963 is
5 amended by changing Sections 115-10.1 and 115-10.4 as
6 follows:

7 (725 ILCS 5/115-10.1) (from Ch. 38, par. 115-10.1)

8 Sec. 115-10.1. Admissibility of Prior Inconsistent
9 Statements. In all criminal cases, evidence of a statement
10 made by a witness is not made inadmissible by the hearsay
11 rule if

12 (a) the statement is inconsistent with his testimony at
13 the hearing or trial, and

14 (b) the witness is subject to cross-examination
15 concerning the statement, and

16 (c) the statement--

17 (1) was made under oath at a trial, hearing, or other
18 proceeding, or

19 (2) narrates, describes, or explains an event, ~~or~~
20 condition, or statement made by a defendant of which the
21 witness had personal knowledge, and

22 (A) the statement is proved to have been written or
23 signed by the witness, or

24 (B) the witness acknowledged under oath the making of
25 the statement either in his testimony at the hearing or trial
26 in which the admission into evidence of the prior statement
27 is being sought, or at a trial, hearing, or other proceeding,
28 or

29 (C) the statement is proved to have been accurately
30 recorded by a tape recorder, videotape recording, or any
31 other similar electronic means of sound recording.

1 Nothing in this Section shall render a prior inconsistent
 2 statement inadmissible for purposes of impeachment because
 3 such statement was not recorded or otherwise fails to meet
 4 the criteria set forth herein.

5 (Source: P.A. 83-1042.)

6 (725 ILCS 5/115-10.4)

7 Sec. 115-10.4. Admissibility of prior statements when
 8 witness is deceased.

9 (a) A statement not specifically covered by any other
 10 hearsay exception but having equivalent circumstantial
 11 guarantees of trustworthiness is not excluded by the hearsay
 12 rule if the declarant is deceased and if the court determines
 13 that:

14 (1) the statement is offered as evidence of a
 15 material fact; and

16 (2) the statement is more probative on the point
 17 for which it is offered than any other evidence which the
 18 proponent can procure through reasonable efforts; and

19 (3) the general purposes of this Section and the
 20 interests of justice will best be served by admission of
 21 the statement into evidence.

22 (b) A statement may not be admitted under this exception
 23 unless the proponent of it makes known to the adverse party
 24 sufficiently in advance of the trial or hearing to provide
 25 the adverse party with a fair opportunity to prepare to meet
 26 it, the proponent's intention to offer the statement, and the
 27 particulars of the statement, including the name of the
 28 declarant.

29 (c) Unavailability as a witness under this Section is
 30 limited to the situation in which the declarant is deceased.

31 (d) (Blank). ~~Any--prior--statement--that--is--sought--to--be~~
 32 ~~admitted--under--this--Section--must--have--been--made--by--the~~
 33 ~~declarant---under---oath---at---a---trial,---hearing,---or---other~~

1 ~~proceeding.~~

2 (e) Nothing in this Section shall render a prior
3 statement inadmissible for purposes of impeachment because
4 the statement was not recorded or otherwise fails to meet the
5 criteria set forth in this Section.

6 (Source: P.A. 91-363, eff. 7-30-99.)

7 Section 99. Effective date. This Act takes effect upon
8 becoming law.